

### **REMARKS**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

The Office Action and prior art relied upon have been carefully considered.

Claims 11-17 and 20-27 are rejected under 35 USC 102(e) as anticipated by, or in the alternative, under 35 USC 103(a) as obvious over Peltonen (US 6,780,903)

Claims 11-17 and 20-27 are rejected under 35 USC 103(a) as obvious over Haasmaa (US 6,656,984).

Claims 11-17 and 20-27 are rejected under 35 USC 103(a) as being unpatentable over Silbiger (US 6,248,838), taken in view of Buehler (US 5,316,578) and Frische (US 5,374,304).

Claim 21 is rejected under 35 USC 112, first paragraph.

To expedite the prosecution claims 13, 16, 17-19, 21 and 25 have been cancelled.

The amendment inserts the term "high amylose" to qualify the term "starch" in part a) of claims 11, 20 and 22. This is based on the description at column 2, para 19, line 10, and also in the examples where it is evident a high amylose starch is used.

Also included is the qualification that the polymer must be "substantially soluble in water". This is based on the advantage of the invention mentioned at column 8, para 47, lines 14-16 wherein it is stated that by holding the product under water it can be compressed into a small disposable pellet.

Further in part f) of claims 11 and 22 the "natural starch" is clarified as "unmodified".

Claim 21 has been cancelled so that the rejection under 35 USC 112 is moot.

Other amendments have been made to render the terminology consistent throughout the claims, correct defects, and in the case of the amount of polyol plasticizer, and return the upper amount to one which is supported in the description specifically.

In addition to applicant's arguments previously made the foregoing amendments underscore the following differences between the principal cited prior art.

a) None of the prior art cited utilizes a combination of starches - one which is a high amylose modified starch and one which is unmodified. All the examples in the prior art utilize one uniform source of starch in the examples and no discussion is present of the need for

different types of starch in the composition. The presence of the two types of starch enables the solubility and biodegradability of the compositions, at the same time keeping the integrity of the product thermoformed or extruded under normal atmospheric conditions, and keeping the cost of the product low due to the relatively low quantity of modified starch. Although some of the long laundry list of starches in the prior art may include high amylose starches, their benefit in a mix is not discussed.

b) Both Peltonen and Haasma are dispersions as has been discussed previously at length. Moreover, they are dispersions in water. If the present polymer was dispersed in water it would lose its integrity because of its water solubility and hence its value and purpose as a product. It is noted that Peltonen discusses at col 2 line 20 - 222 and lines 43- 44 that the dispersions are water resistant. This teaches away from the compositions of the present invention which rely on water solubility for an element of their biodegradability. Frische mentions that the amyloses of the invention are swellable but not soluble - thus a combination with this disclosure is not helpful in arguing obviousness.

For the foregoing reasons the amended claims are believed to be allowable.

Regarding the Examiner's statement that no declaration has been filed in the application, applicant notes that PAIR clearly indicates filing of a declaration on March 22, 2004 along with the filing of the present application.

Reconsideration of the application and favorable action thereon is courteously solicited.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 21444-00009-US2 from which the undersigned is authorized to draw.

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Respectfully submitted,  
/Morris Liss/  
Registration No.: 24,510  
CONNOLLY BOVE LODGE & HUTZ LLP  
1875 Eye Street, NW  
Suite 1100  
Washington, DC 20006  
(202) 331-7111  
(202) 293-6229 (Fax)  
Attorney for Applicant